

REMARKS/ARGUMENTS

In this Amendment, Applicants have amended the only pending independent claims in the application, i.e., claims 1 and 6, to more-particularly claim Applicants' invention. As will be further discussed below, Applicants now claim in independent claims 1 and 6 that the transmitting and receiving control process is detected where the nonconformity has occurred. Therefore, Applicants respectfully submit that even if Hernandez-Valencia's non-conformance test can be modified to also include the header synchronization sequence correlation test of Gothe, as argued by the Examiner, that the modified Hernandez-Valencia reference still does not disclose detecting the transmitting and receiving control process as now more-particularly claimed by Applicants. All that the modified Hernandez-Valencia reference could disclose, as also argued and acknowledged by the Examiner, is a test to "determine whether the received packet is conforming or nonconforming." Office Action, page 2. (Emphasis added).

As discussed above, as now more-particularly claimed, Applicants claim storing nonconformity information beforehand featuring nonconformity in said at least one transmitting and receiving control process and comparing the state information calculated at said calculation step and the nonconformity information obtained at said storing step in order to detect the transmitting and receiving control process where said nonconformity has occurred. Applicants respectfully submit that these features of Applicants' invention are clearly disclosed at least at pages 9-12 and page 14, lines 11-19 of Applicants' specification.

In contrast, Hernandez-Valencia discloses that "ATM switch 105 evaluates user data stream 101...frame boundary" (column 5, lines 1-3), and that "a comparison is made if the value of the Cnt variable...the frame is marked as a non-conforming frame" (column 6, lines 23-26). The "comparison" can be interpreted to mean that "[t]he Payload Type Indicator (PTI) of an ATM cell header is used to indicate whether that cell belongs to a non-conforming frame or

a conforming frame.” Abstract and Summary of the Invention. Therefore, Hernandez-Valencia only indicates whether that cell belongs to a non-conforming frame or a conforming frame and does not disclose Applicants’ claimed process for detecting a control process where a non-conformity occurred. Further, again, Applicants respectfully submit that even if Hernandez-Valencia’s non-conformance test can be modified by Gothe, the modified non-conformance test still would not disclose Applicants’ invention since the modified test still would only “determine whether the received packet is conforming or nonconforming”, as argued by the Examiner. Therefore, Applicants respectfully submit that amended independent claims 1 and 6 are allowable over Hernandez-Valencia and Gothe for at least the above reasons.

Further, Applicants respectfully submit that the combined references also do not disclose Applicants’ now claimed storing of nonconformity information and the nonconformity information storing means. On the contrary, Hernandez-Valencia uses the PTI for the cell, and Gothe only determines if a detected transmission conforms to the receiver’s protocol. Therefore, Applicants respectfully submit that neither of these references, either alone or in combination, further disclose Applicants’ claimed feature of storing nonconformity information and that amended independent claims 1 and 6 are allowable for at least this additional reason.

Since the Office Action is a “Final” Action, Applicants are also filing a Request for Continued Examination concurrently with the filing of this Amendment.

Lastly with respect to this application, the Examiner has not provided an initialed copy of the Form 1449 filed with the Information Disclosure Statement (IDS) in this application on October 15, 2007. Applicants respectfully request that the Examiner provide an initialed copy of the Form to indicate the Examiner’s consideration of the references cited therein in the next communication from the Examiner.

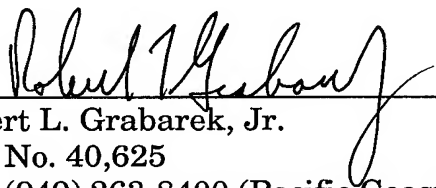
Applicants respectfully submit that the application is now in condition for allowance. If there are any questions regarding this Amendment or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response. Please charge any such fee or any deficiency in fees, or credit any overpayment of fees, to Deposit Account No. 05-1323 (Docket No. 010755.52992US).

Respectfully submitted,

CROWELL & MORING LLP

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